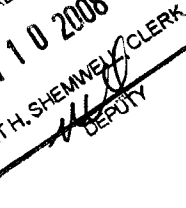


U.S. DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
ALEXANDRIA DIVISION

ALBERT RONNIE BURRELL, et al.

CIVIL ACTION NO. 3:01CV2679

-vs-

JUDGE DRELL

TOMMY ADKINS, et al.

MAGISTRATE JUDGE KIRK

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**J U D G M E N T**

Based on written reasons given this date, IT IS HEREBY ORDERED that the Sheriff Defendants' motion for summary judgment (Doc. 221) be:

- (a) GRANTED IN PART as to any and all claims against Donald Holdman in any capacity, and IT IS FURTHER ORDERED that those claims be DISMISSED WITH PREJUDICE;
- (b) GRANTED IN PART as to any and all claims against Kenneth Larry Averitt in his individual capacity, and IT IS FURTHER ORDERED that those claims be DISMISSED WITH PREJUDICE;
- (c) GRANTED IN PART as to the Section 1983 claims under Monell against Kenneth Larry Averitt and Robert Buckley in their official capacities, and IT IS FURTHER ORDERED that those claims be DISMISSED WITH PREJUDICE;
- (d) GRANTED IN PART as to the Section 1983 claims of failure to train and failure to supervise against Kenneth Larry Averitt and Donald Holdman in their individual capacities, and IT IS FURTHER ORDERED that those claims be DISMISSED WITH PREJUDICE;
- (e) GRANTED IN PART as to the Section 1983 claims of false arrest/imprisonment against any and all defendants in their official capacities, and IT IS FURTHER ORDERED that those claims be DISMISSED WITH PREJUDICE;

- (f) GRANTED IN PART as to the Section 1983 claims of false arrest/imprisonment against Kenneth Larry Averitt and Donald Holdman in their individual capacities, and IT IS FURTHER ORDERED that those claims be DISMISSED WITH PREJUDICE;
- (g) DENIED IN PART as to the Section 1983 claims of false arrest/imprisonment against Monty Forbess in his individual capacity;
- (h) GRANTED IN PART as to the Section 1983 malicious prosecution claims against Kenneth Larry Averitt, Robert Buckley, Monty Forbess, and Donald Holdman in any capacity, and IT IS FURTHER ORDERED that those claims be DISMISSED WITH PREJUDICE;
- (i) GRANTED IN PART as to the Section 1985 and Section 1986 conspiracy claims against Kenneth Larry Averitt, Robert Buckley, Monty Forbess, and Donald Holdman in any capacity, and IT IS FURTHER ORDERED that those claims be DISMISSED WITH PREJUDICE;
- (j) GRANTED IN PART as to any state law respondeat superior claims against Kenneth Larry Averitt and Donald Holdman in their individual capacities, and IT IS FURTHER ORDERED that those claims be DISMISSED WITH PREJUDICE;
- (k) DENIED IN PART as to any state law respondeat superior claims against Kenneth Larry Averitt and Robert Buckley in their official capacities;
- (l) GRANTED IN PART as to the state law claims of malicious prosecution against Kenneth Larry Averitt and Donald Holdman in their individual capacities, and IT IS FURTHER ORDERED that those claims be DISMISSED WITH PREJUDICE;
- (m) DENIED IN PART as to the state law claims of malicious prosecution against Monty Forbess in his individual capacity;
- (n) DENIED IN PART as to the state law claims of malicious prosecution against Kenneth Larry Averitt and Robert Buckley in their official capacities;
- (o) GRANTED IN PART as to the state law claims of false arrest/imprisonment against Kenneth Larry Averitt and Donald

Holdman in their individual capacities, and IT IS FURTHER ORDERED that those claims be DISMISSED WITH PREJUDICE;

- (p) DENIED IN PART as to the state law claims of false arrest/imprisonment against Monty Forbess in his individual capacity;
- (q) DENIED IN PART as to the state law claims of false arrest/imprisonment against Kenneth Larry Averitt and Robert Buckley in their official capacities;
- (r) GRANTED IN PART as to the state law claims of intentional infliction of emotional distress against Kenneth Larry Averitt and Donald Holdman in their individual capacities, and IT IS FURTHER ORDERED that those claims be DISMISSED WITH PREJUDICE;
- (s) DENIED IN PART as to the state law claim of intentional infliction of emotional distress against Monty Forbess in his individual capacity;
- (t) DENIED IN PART as to the state law claims of intentional infliction of emotional distress against Kenneth Larry Averitt and Robert Buckley in their official capacities;
- (u) GRANTED IN PART as to the Fourteenth Amendment fair trial claims against Kenneth Larry Averitt and Donald Holdman in their individual capacities, and IT IS FURTHER ORDERED that those claims be DISMISSED WITH PREJUDICE;
- (v) DENIED IN PART as to the Fourteenth Amendment fair trial claims against Monty Forbess in his individual capacity;
- (w) DENIED IN PART as to the Fourteenth Amendment fair trial claims against Kenneth Larry Averitt and Robert Buckley in their official capacities; and
- (x) DENIED IN PART as to any remaining Section 1983 claims concerning Brady violations against Monty Forbess in his individual capacity.

In summary, following this judgment, the only remaining claims, other than any claims not addressed in the motion for summary judgment, are:

- (a) the Section 1983 claims of false arrest/imprisonment against Monty Forbess in his individual capacity;
- (b) any state law respondeat superior claims against Kenneth Larry Averitt and Robert Buckley in their official capacities;
- (c) the state law claims of malicious prosecution against Monty Forbess in his individual capacity;
- (d) the state law claims of malicious prosecution against Kenneth Larry Averitt and Robert Buckley in their official capacities;
- (e) the state law claims of false arrest/imprisonment against Monty Forbess in his individual capacity;
- (f) the state law claims of false arrest/imprisonment against Kenneth Larry Averitt and Robert Buckley in their official capacities;
- (g) the state law claim of intentional infliction of emotional distress against Monty Forbess in his individual capacity;
- (h) the state law claims of intentional infliction of emotional distress against Kenneth Larry Averitt and Robert Buckley in their official capacities;
- (i) the Fourteenth Amendment fair trial claims against Monty Forbess in his individual capacity;
- (j) the Fourteenth Amendment fair trial claims against Kenneth Larry Averitt and Robert Buckley in their official capacities; and
- (k) any remaining Section 1983 claims concerning Brady violations against Monty Forbess in his individual capacity.

SIGNED on this 9<sup>th</sup> day of January, 2008 at Alexandria, Louisiana.

A handwritten signature in black ink, appearing to read 'Dee D. Drell', written over a horizontal line.

DEE D. DRELL  
UNITED STATES DISTRICT JUDGE